



**REGULAR MEETING OF THE GREENBELT CITY COUNCIL
Held Monday, February 23, 2004**

Mayor Pro Tem Roberts called the meeting to order at 8:02 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Leta M. Mach, Edward V. J. Putens, and Mayor Pro Tem Rodney M. Roberts. Mayor Judith F. Davis was out of town.

ALSO PRESENT were Michael P. McLaughlin, City Manager; Robert A. Manzi, City Solicitor; David E. Moran, Assistant to the City Manager; and Kathleen Gallagher, City Clerk.

Mr. Roberts asked for a moment of silence in memory of resident William F. ("Sonny") Osborne and former residents David A. Thomas and Mary Elizabeth Fogleman Ging. He then led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Mr. Herling and seconded by Ms. Mach that the consent agenda be approved as presented. The motion carried 4-0.

Council thereby took the following actions:

MINUTES

- Work Session, January 21, 2004
- Work Session, February 4, 2004
- Interview Meeting, February 9, 2004
- Regular Meeting, February 9, 2004
- Interview Meeting, February 11, 2004

Approved as presented.

COMMITTEE REPORTS

Advisory Planning Board, Report #04-01 (Patriot Office Park): Council accepted this report and agreed to consider it with this topic later on tonight's agenda.

Park & Recreation Advisory Board, Report #04-3 (Renaming Windsor Green Field): Council accepted this report and will consider it on the agenda of the next meeting.

FOUR CITIES LETTER TO THE GOVERNOR – SAFETY ON US ROUTE 1: Council approved the draft letter and authorized the City Manager to work out any details with the other three cities.

RESIGNATION FROM ADVISORY GROUP: Council accepted with regret the resignation of Barbara F. Foreman from the Public Safety Advisory Committee.

REAPPOINTMENTS TO ADVISORY GROUPS: Council appointed Mary Helen Spear and Virginia Zanner to new terms, respectively, on the Community Relations Advisory Board and the Arts Advisory Board.

APPROVAL OF AGENDA: It was moved by Ms. Mach and seconded by Mr. Herling that the agenda be approved as presented. The motion carried 4-0.

PRESENTATIONS: There were none.

PETITIONS AND REQUESTS: There were none.

ADMINISTRATIVE REPORTS

Mr. McLaughlin reported that repairs had been made to the fire alarm system at Green Ridge House. He announced two meetings to occur in Annapolis on February 25: review by the Bi-County Committee of the municipal planning and zoning authority bill and review by the Board of Public Works of the City's application for Program Open Space reimbursement for the Sunrise property. He said the update to the report on playgrounds, which was sent to the City Council on Friday, had been given to Sheldon Goldberg for the Greenbelt East Advisory Committee tonight and would be delivered to Greenbelt Homes, Inc., tomorrow.

Ms. Mach reported on a meeting of the Air Quality Committee of the Metropolitan Washington Council of Governments last week.

Mr. Putens asked Mr. McLaughlin to look into a complaint of a Pepco light out on Mathew Street.

LEGISLATION

A Resolution to Repeal and Reenact with Amendments Resolution Number 910 to Adopt Revised Standing Rules for the Council of the City of Greenbelt, Maryland

Ms. Mach introduced the resolution for second reading and moved its adoption. Mr. Herling seconded the motion.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

The Resolution was declared adopted. (Resolution No. 969, Book No. 8)

LIGHTS AT MCDONALD FIELD: Mayor Pro Tem Roberts read the agenda comments. It was moved by Mr. Putens and seconded by Mr. Herling that the Park & Recreation Advisory Board report be referred to staff for further response and that a public hearing be held prior to Council action. The motion passed 4-0.

PRELIMINARY PLAT OF SUBDIVISION – PATRIOT OFFICE PARK: Mr. Roberts asked Kristen Ward, Community Planner, to present the topic. She explained that if there were no easement granted prior to approval of the preliminary plat, then it would be necessary to provide a second access from this property to Walker Drive. She said both staff and the Advisory Planning Board (APB) agree that the easement is preferable. Richard Redler, Vice President-Development, Atlantic Realty Companies, spoke to say this was the applicant's preference, too, and that, with the City's support, the county was expected to approve the application to subdivide the property. In response to a query from Ms. Mach, Ms. Ward said staff was taking care of the request from the APB to look at signage for Walker Drive Circle and for the potential left turn entry into the property from Walker Drive. Mr. Putens made a motion that Council approve the preliminary plat of subdivision with the condition that a cross-access easement for lots 28 and 29 be granted prior to, or as a part of, the final plat of subdivision. Ms. Mach seconded the motion, which passed 4-0.

APPLICATION FOR TRANSFER OF LIQUOR LICENSE – CHIPOTLE MEXICAN GRILL: Mayor Pro Tem Roberts read the agenda comments. Felicia Jackson-Taylor, attorney, and two other representatives of the restaurant appeared to answer questions. Mr. Putens asked for clarification on the location of the outside seating area. He made a motion that Council take no position on the application. Mr. Herling seconded. The motion passed 4-0.

NEWSPAPER VENDING MACHINES – VOLUNTARY AGREEMENT: Mayor Pro Tem Roberts asked Mr. Manzi to summarize the issue. Mr. Manzi said Greenbelt has not really had a problem with news rack proliferation since meeting with the newspapers several years ago. Other municipalities are having problems, however, and the matter has been discussed at the meetings held by the mayors from a number of northern Prince George's County towns. Mr. Manzi has proposed a joint meeting with the papers and a shared template for an agreement. He noted that there are some differences between the draft agreement and the ordinance Greenbelt introduced previously.

Regarding corrals, Mr. Manzi said he believes the papers are willing to use them but not to pay for them, unless they can use them for advertising. Mr. Putens said he would be willing to have some of the costs of corrals borne by the City if it meant the City could better control the appearance of the product. Mr. Roberts said he would not want the City to pay, and Ms. Mach also questioned whether the City should pay for corrals for private companies. No action was taken by Council.

GREENBELT THEATRE LEASE: Mayor Pro Tem Roberts read the agenda comments. It was moved by Ms. Mach and seconded by Mr. Herling that Council approve the lease. The motion carried 4-0.

PENDING STATE LEGISLATION: Mayor Pro Tem Roberts read the agenda comments for the following items as they came up.

House Bill 243 – Admissions and Amusement Tax on Restaurant Sales: Mr. Moran clarified that the tax would apply only to establishments with on-premises facilities for eating and drinking and that the legislation would be enabling only. It was moved by Mr. Putens and seconded by Ms. Mach that Council support House Bill 243 and communicate that support to the City's state delegation. The motion carried 4-0.

House Bill 628 – Lead Risk Reduction Certification for Rental Property: Mr. Putens asked about the nature of the certification. Mr. Moran replied that this was one of the issues and that the owners already were required to be in compliance with state law. Mr. McLaughlin agreed that the bill would primarily just be adding another layer of review. It was noted that the Maryland Municipal League Legislative Committee had voted to oppose the bill. It was moved by Ms. Mach and seconded by Mr. Putens that Council oppose House Bill 628 and communicate that support to the City's state delegation. The motion carried 4-0.

House Bill 710 – Vehicle Laws – Rental Fee: Ms. Mach commented that at last week's meeting of the Prince George's County Municipal Association, people were supportive of this bill but concerned that vigilance might be needed to assure that the new fees would not be used to justify further cuts from other revenues. In response to a question from Mr. Putens, Mr. Moran clarified that the funds would be split between counties and municipalities, with the municipal share to be allotted according to the formula used for Highway User revenues. It was moved by Mr. Putens and seconded by Ms. Mach that Council support House Bill 710 and communicate that support to the City's state delegation. The motion carried 4-0.

Senate Bill 713 – Program Open Space Funding: Councilmembers commented on their strong support for this bill. It was moved by Mr. Putens and seconded by Mr. Herling that Council support Senate Bill 713 and communicate that support to the City's state delegation. The motion carried 4-0.

Senate Bill 758 – Accommodation of Bicycles and Pedestrians on State Roads: It was moved by Mr. Putens and seconded by Ms. Mach that Council support Senate Bill 758 and communicate that support to the City's state delegation. The motion carried 4-0.

House Bill 804 – Property Tax Credit for High Performance (Green) Buildings: It was moved by Mr. Putens and seconded by Mr. Herling that Council support House Bill 804 and communicate that support to the City's state delegation. The motion carried 4-0.

SELECTION OF AUDIT SERVICES: Mayor Pro Tem Roberts read the agenda comments. Mr. Putens made a motion that Council direct staff to issue a Request for Proposals to select the accounting firm to undertake the FY 2004 audit. Ms. Mach seconded the motion, which passed 4-0.

MEETINGS: Mayor Pro Tem Roberts noted that an executive session had been scheduled for February 25. Mr. Putens made a motion that the two regular meetings in June be held on June 7 and June 21 (instead of June 14 and June 28). Mr. Herling seconded. The motion passed 4-0.

Ms. Gallagher asked that Councilmembers alert her to any conflicts or problems with the proposed schedule for the budget work sessions.

ADJOURNMENT: A motion to adjourn was made by Ms. Mach and seconded by Mr. Herling. The motion carried 4-0. The Mayor Pro Tem adjourned the regular meeting of February 23, 2004, at 9:17 p.m.

Respectfully submitted,

Kathleen Gallagher
City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held February 23, 2004.

Rodney M. Roberts
Mayor Pro Tem